



July 29, 2005

Mike Gallagher
PBT Rule Coordinator
Environmental Assessment Program
Department of Ecology
PO BOX 47600
Olympia, WA 98504-7600
VIA e-mail: mgal461@ecy.wa.gov

RE: Draft Persistent Bioaccumulative Toxins (PBT) Rule (Chapter 173-333 WAC)

Dear Mr. Gallagher,

Thank you for the opportunity to comment on the draft Persistent Bioaccumulative Toxins (PBT) Rule (Chapter 173-333 WAC).

People For Puget Sound is a nonprofit, citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits, including a specific goal to protect and restore the 2,500 miles of Puget Sound shoreline by 2015.

The Puget Sound estuary supports over 200 species of fishes, approximately 10 species of marine mammals, hundreds of species of aquatic invertebrates and plants, and is critical to the survival of shorebirds, waterfowl, and upland wildlife species. Because estuaries have abundant food supplies and a wide salinity gradient, they are particularly valuable to anadromous fish (salmon, steelhead and trout) for rearing, feeding, and completing the biological transition between fresh water and marine habitats. The vital role that estuaries play in chum and Chinook salmon ecology is a basic tenet of salmon biology.

Unfortunately, marine habitats of Puget Sound continue to be under assault from pollution. Throughout the region, polluted runoff and discharges send millions of gallons of toxic chemicals, including Persistent Bioaccumulative Toxins, into the Sound. This has contributed to the decline of our aquatic species. Puget Sound's salmon and orca whale populations are listed as endangered by the state, and in the case of salmon, also by the federal government.

As determined by a recent Government Accountability Office study, EPA has tracked health data for only about 15 percent of chemicals that have been newly introduced over the past 30 years. EPA is not protecting the citizens of this State from harmful chemicals released into our air, water, and soil by industry. The role of protecting our health and the environment has fallen upon the State.

MAIN OFFICE

911 Western Avenue, Suite 580
Seattle, WA 98104
(206) 382-7007
fax (206) 382-7006
people@pugetsound.org

NORTH SOUND

407 Main Street, Suite 201
Mount Vernon, WA 98273
(360) 336-1931
fax (360) 336-5422
northsound@pugetsound.org

SOUTH SOUND

1063 Capitol Way South, Suite 206
Olympia, WA 98501
(360) 754-9177
fax (360) 534-9371
southsound@pugetsound.org

Ecology is a leader in the nation on the issue of PBTs. The PBT rule must be a strong document to help us meet Washington's goal of significantly reducing PBTs in the State by 2020.

The great majority of hazardous chemicals used in industry have not been adequately tested or proved safe to humans and wildlife. On the contrary, many chemicals released by industry and pesticides with EPA registration are known toxic contaminants but are still allowed to be released into our homes and communities. Further, most of these chemicals end up in our bodies or in Puget Sound, including the fish that we eat.

People For Puget Sound is a founding member of and signed the PBT Rule comment letter you have received from the Toxic Free Legacy Coalition. In addition, we support comments that have been submitted by the Washington Toxics Coalition.

Those specific requests are:

- Include a broad list of chemicals to be phased out.
- Incorporate the precautionary principle.
- Establish that the goal of chemical action plans is to eliminate the toxic chemical.
- Remove exemption for pesticides and fertilizers.
- Focus on preventing pollution through process/product changes and finding safer substitutes.
- Eliminate the second set of P, B, and T criteria.
- Revise the PBT list every three years.
- Expand the Intended Uses Of the PBT List.
- Establish a three-year schedule for the preparation of CAPs.
- Voluntary Actions Must Include Timelines and Performance Measures
- Establish Three-year Schedule For the Preparation of CAPs and Prepare Two CAPs Per Year.

Our additional comments follow:

1. Include entire PBT list. Include all PBT chemicals on the list regardless of whether they currently are a problem in Washington State. Lessons learned from elsewhere are that we likely do not know the full extent of our contamination problems in Washington due to proprietary claims by industry or due to a lack of monitoring funds. MTBE is a good example of a chemical that was unknown to regulators as a problem in groundwater until many drinking water wells were contaminated across the country.

2. Biosolids. Many PBTs partition to sediment and thus are concentrated in biosolids or sludge in the state's sewage treatment plants. These biosolids are then spread in our forests or in agricultural lands. It should be a priority to remove PBTs from sources to sewage (i.e., reduce consumer and industrial use of PBTs) as well as increasing regulations on biosolids. Workers who transport and work with this material are being exposed and PBTs are being contributed to the soil in new areas.

3. Endangered and threatened species. PBTs are found in many of the Sound's endangered and threatened species. Therefore, it is imperative that the PBT plans be prepared in a timely manner and include a major focus on removing PBTs from sources that impact these species.

4. Sediment cleanups. Millions of dollars are being spent to clean up sediment sites in Puget Sound. Modeling shows that stormwater and other sources are continuing to recontaminate sediment with metals and organic chemicals. Removal of these sources is a high priority for People For Puget Sound.

5. Revise Criteria to Include Phthalates On the List. The PBT Rule must address phthalates and other reproductive toxins. Phthalates are found in our sanitary wastes, household dust, stormwater, air, and aquatic species and sediment. In humans, recent research has shown that as reproductive toxins they may be mostly causing impacts on male fertility.

Washington needs to develop a comprehensive plan for controlling and eliminating phthalates and it makes sense to do it through the PBT program. Statewide coordination is needed because we have found that local agencies are on one hand working to identify sources of and remove phthalates from the system and on the other hand doing actions that contribute phthalates.

Phthalates have been found in the tissue of Chinook salmon in the Duwamish River. In addition, phthalates are associated with 13 of the 18 Puget Sound sediment Superfund Sites. Phthalates are an environmental problem that have been ignored for too long and must be addressed by Ecology in order to protect both human and wildlife health.

We are enclosing petitions signed by 67 concerned citizens that show support from the public for a strong PBT rule.

We look forward to continuing to work with you on this important rule and the PBT program. If you have any questions, please call me (206) 382-7007 X215.

Sincerely,

Heather Trim
Urban Bays Coordinator

Attachment: Signed Petitions